

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTIAN C. IBEAGWA,

Plaintiff,

v.

INTERNAL REVENUE SERVICE,

Defendant.

ORDER

14-cv-369-bbc

Plaintiff Christian C. Ibeagwa filed this lawsuit in the Northern District of Illinois under the Freedom of Information Act and the Administrative Procedure Act. On April 22, 2014, plaintiff filed a motion to transfer the case to the Western District of Wisconsin. Dkt. #20. On April 30, 2014, he filed a motion for leave to amend his complaint, dkt. #24, but the court in the Northern District of Illinois denied the motion when plaintiff did not appear at the motion hearing. Dkt. #29. Plaintiff quickly filed a motion for reconsideration, arguing that he “believe[d] his presence [was] not required to present the motion.” Dkt. #30. However, the Illinois court failed to rule on the motion before granting plaintiff’s motion to transfer the case to Wisconsin. Dkt. #36.

Generally, “a successor judge is discouraged from reconsidering the decisions of the transferor judge. The successor judge should depart from the transferor judge's decision only if he has a conviction at once strong and reasonable that the earlier ruling was wrong, and

if rescinding it would not cause undue harm to the party that had benefitted from it.”

Gilbert v. Illinois State Board of Education, 591 F.3d 896, 902 (7th Cir. 2010) (citations omitted). Plaintiff has not met that standard in this case. Although he says that he was not aware that he was required to appear at the motion hearing, that statement is disingenuous.

Plaintiff represented in a court filing that

on Wednesday, May 7, 2014 at 9:00 a.m., or soon thereafter as I may be heard, I shall appear before the Honorable John Z. Lee, United States District Judge, or any judge sitting in his stead in the Courtroom 1225 of United States District Court of the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois and shall present the following motion attached hereto.

Dkt. #25.

In any event, plaintiff says that the only reason he wants to amend his complaint is to correct typographical errors and add missing pages to attachments to his complaint. Plaintiff does not suggest that he wants to change the scope of his complaint and defendant has not expressed any confusion about plaintiff's claims as the result of any errors. Particularly because the parties are in the midst of briefing defendant's motion to dismiss the case on mootness grounds, I see no reason to hit the reset button by allowing plaintiff to file a new complaint.

ORDER

IT IS ORDERED that plaintiff Christian C. Ibeagwa's motion for reconsideration, dkt. #30, is DENIED.

Entered this 17th day of July, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge